



"The City With a Heart"

Larry Franzella, Mayor
Irene O'Connell, Vice Mayor
Rico E. Medina, Councilmember
Jim Ruane, Councilmember
Ken Ibarra, Councilmember

MINUTES

CITY COUNCIL REGULAR MEETING

October 14, 2008
7:00 p.m.

A Reception will be held in the Senior Center Foyer at 6:45 p.m. to Recognize the Beautification Awards Program Award Recipients

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met in regular session on October 14, 2008 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Franzella, Vice Mayor O'Connell and Councilmembers Ruane, Ibarra and Medina in attendance. Recording by Deputy Clerk Hasha, Transcription by Clerk Bonner. **Fire Chief Haag** led the Pledge of Allegiance.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

3. ANNOUNCEMENTS:

a. **Mayor Franzella** announced the City Council will hold a Special Meeting on Monday, November 17, 2008 at 7:00 p.m. Typically, the meeting would be scheduled for November 11 but because it is a holiday, by ordinance it would be moved to November 12. There is a conflict, so the Council will take an action this evening to cancel the meeting and reschedule the first meeting in November to the 17th.

b. **Mayor Franzella** announced the Project Pride Committee will hold their Annual Halloween Parade on October 31, 2008 at the Shops at Tanforan beginning at 3:30 p.m.

4. PRESENTATIONS:

a. **Councilmember O'Connell**, representing The Beautification Task Force Committee, presented the 2008 Twelfth Annual San Bruno Beautification Awards. She introduced the members of the task force and announced the winners as well as showing the houses in a PowerPoint presentation. She also thanked Deputy Clerk Hasha for her work on putting the awards together.

b. **Mayor Franzella** Presented a Certificate of Appreciation to Citizen's Crime Prevention Committee Member Susan Morton for Her Twenty-Eight Years of Service to San Bruno.

c. **Mayor Franzella** Presented a Proclamation Declaring October as National Breast Cancer Awareness Month and October 17 as National Mammography Day to Vice Mayor O'Connell who encouraged everyone to be examined.

d. Receive Presentation by the San Mateo City/County Association of Governments (C/CAG) Regarding Ramp Metering on I-280 Northbound between Sneath Lane and Serramonte Boulevard.

Sandy Wong, Deputy Director C/CAG, discussed the plan for ramp metering as a means of relieving congestion on I-280 Northbound between Sneath Lane and Serramonte Boulevard scheduled for implementation on the 21st of October going northbound.

Vice Mayor O'Connell asked if there was a number people could call? **Wong** said there is a hot line at Caltrans, 510-286-4531, she also said C/CAG could be called as well as Public Works Departments.

5. REVIEW OF AGENDA: **Mayor Franzella** moved the Traffic, Safety & Parking Committee presentation to follow the Public Hearing.

6. APPROVAL OF MINUTES: Regular City Council Meeting of September 23, 2008, approved as submitted.

7. CONSENT CALENDAR: All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by a Councilmember, citizen or staff.

a. **Approve:** Payroll of September 19 and October 3, 2008

b. **Approve:** Accounts Payable of September 8 and 15, 22, and 29, 2008.

c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports
Dated August 31, 2008.

d. **Waive:** Second Reading, and Adopt Ordinance Repealing Section 12.44.140 and Adding Section 12.44.140, Dedication of Land for Park and Recreational Purposes, of Chapter 12.44 (Improvement Standards) to Title 12 (Zoning) of the San Bruno Municipal Code.

e. **Waive:** Second Reading and Adopt Ordinance Amending San Bruno Municipal Code Section 2.36.140 of Chapter 2.36, Regarding Powers and Duties of the Personnel Board.

f. **Adopt:** Resolution Accepting Grant from the California State Library in the Amount of \$5,323 for Tutor.com Online Homework Help Service.

g. **Adopt:** Resolution Cancelling the Regularly Scheduled City Council Meeting Following Legal Holiday on Wednesday, November 12, 2008.

i. **Adopt:** Resolution Authorizing Purchase of 68 Portable Radios from Metromobile Communications in the Amount of \$60,610.66.

j. **Adopt:** Resolution Authorizing Purchase of Nine Panasonic Toughbook Laptop Computers from Oakland Computer Company in the Amount of \$29,353.

M/S Ibarra/Ruane to approve the consent calendar and passed with all ayes.

8. PUBLIC HEARING:

Hold Public Hearing, Waive First Reading, and Introduce an Ordinance Adding New Chapter 12.230, Establishing a Below Market Rate Housing Program, to Title 12 (Land Use) of the San Bruno Municipal Code.

Community Development Director Akin gave an overview of the staff report and asked for questions. He also said there would be an upcoming study session to see how the program will implement producing affordable housing.

Vice Mayor O'Connell asked when an already affordable unit is rehabilitated does it add to the stock? **Akin** said if is already a qualifying affordable unit, it would remain the same. To count toward the requirement, additional units need to be produced. **Vice Mayor O'Connell** asked how acquisition of affordable units would work out? **Akin** said suppose there is a three unit building on Santa Domingo, the City would purchase that market rate unit, refurbish it so the units are remodeled and then put a deed restriction on it so they have to be rented at an affordable rate. **Vice Mayor O'Connell** asked on the rentals, does the agreement refer to a rental unit or is the number of units. **Akin** said it had to be indistinguishable.

Mayor Franzella opened the public hearing. No one wished to speak.

M/S Ruane/Medina to close the public hearing.

M/S Ruane/O’Connell to waive the first reading and passed with all ayes.

Councilmember Ruane introduced the ordinance for adoption and passed with a unanimous vote.

11. Receive Annual Report from the Traffic, Safety & Parking Committee. (Moved to follow 8.)

Mark Howard, representing the Traffic, Safety & Parking Committee introduced members of the committee and gave a summary of the year’s activities.

Councilmember Ibarra and **Mayor Franzella** applauded the efforts of the Committee.

9. CONDUCT OF BUSINESS:

a. Receive Report from City Treasurer on City’s Investment in the San Mateo County Investment Pool.

Treasurer Marty discussed the background of the City’s investments, the pool account and measures which have been taken and recommendations moving forward.

Councilmember Medina said when talking about the oversight committee and treasurer’s office, it should be clarified it is the County. He suggested maybe the treasurer should meet with the Council on a quarterly basis to look at the market, where we are structured, where our investments are.

Councilmember Ibarra asked for clarification of what is the \$25 million? **Marty** said these are excess funds the City has collected over a period of time and today it is \$32 million.

Mayor Franzella clarified they are not excess funds, there is equipment reserve, monies on deposit with the City such as the redevelopment agency, low income housing set asides, all types of attached purposes to the money. **City Manager Jackson** added the funds include enterprise funds, some funds which have been saved over a lengthy period of time in order to produce capital projects.

Mayor Franzella asked the City’s Investment Policy come back to Council the first meeting in November to see if there is a need to make tightening/changes to avoid this situation from happening again.

b. Receive Oral Report on Update and Redesign of the City of San Bruno Website.

Members of the Web Committee gave a presentation on the updates that have been made to San Bruno’s Website making it more consistent, appealing and relevant to residents and non-residents.

Mayor Franzella said the website appears to be very user friendly. **Councilmember Medina** thanked and complimented the committee for the work and progress on the site.

c. Receive Report and Provide Direction Regarding Proposed Ordinance Establishing Requirements for the Maintenance of Vacant Properties and Registration of Vacant Foreclosed Properties and Proposed Ordinance Establishing Procedures for Imposing Fines on Legal Owners of Foreclosed Residential Properties.

City Attorney Thompson gave an overview of the staff report on two proposed ordinances, maintenance and registration, the first deals specifically with vacant and foreclosed properties on commercial and residential properties and the other is whether to implement a new State law SB 1137 which allows Cities to impose fines up to \$1,000 a day against absent corporate owners who fail to maintain vacant foreclosed residential properties. She said Council needed to determine whether this ordinance should apply to commercial and residential properties. She also asked what would be an appropriate number of notices that would go out to an owner not maintaining their property and added there is an appeal process, which would go to the Planning Commission.

The second ordinance is implementation of a State law, SB 1137 to provide various protections to owners of residential properties in foreclosure. She asked whether Council would be interested in adopting this ordinance.

Councilmember Ruane asked if the requirements to maintain property can be part of signing documents with title? **City Attorney Thompson** said there are already things in place when properties are sold.

Vice Mayor O'Connell asked about the thirty days. **City Attorney Thompson** said this would be on the City's maintenance and registration ordinance. She said it doesn't have to be thirty days, but if the owner came in within the first thirty days to register, a fee would not be charged. Considering the overall financial consequences, she said this gives an opportunity to catch up and find out what our requirements are. **Vice Mayor O'Connell** said people who live around this property are going to have to live with something below standard for sixty or ninety days. **City Attorney Thompson** said not necessarily below standard, it kicks in if the property is vacant.

Councilmember Ibarra said a lot of this is common sense and if a property is vacant it is visible. He said there are more problems with the people living in these homes. This issue has come before us today because of vacant commercial buildings. He asked if there was enough teeth in this ordinance for those vacant commercial properties? **City Attorney Thompson** said the commercial vacant properties could be segregated out. It does give a clearer path to enforcement.

Mayor Franzella said there is the same need for both residential and commercial. If a property is not being maintained and they are not responding, there needs to be some type of mechanism to address it. The second part of the ordinance on registering vacated foreclosed properties is really an incentive within thirty days for the foreclosing lender to register so staff time is not expended trying to track down these companies that maybe had a third party foreclose. Thirty days gives them a reasonable time to register without being assessed a fee. The maintenance issue is whether properties are foreclosed or not and the second portion is that foreclosed property, the owner must register if it is vacant and who is responsible for the property. He said the question comes down on the first portion, how many notices should be given to the owners of the property prior to establish a compliance program? **City Attorney Thompson** said three.

Council agreed to proceed to direct the City Attorney to go forward with both ordinances with a \$1000 fine a day on the SB 1137.

d. Adopt Resolution Authorizing the City Manager to Execute an Agreement with the City of Millbrae for Shared Fire Chief, Battalion Chief, and Truck Services.

City Manager Jackson reviewed the staff report on shared services with Millbrae for a two-year period and asked for questions.

Councilmember Ruane introduced the resolution for adoption and passed with a unanimous vote.

e. Receive Report on the Phase II Fire Services Study Conducted by Matrix Consulting for the Cities of Millbrae, Burlingame, Hillsborough and San Bruno.

Fire Chief Haag gave a brief overview of the staff report. **City Manager Jackson** echoed Chief Haag's recommendation that the Fire Chiefs and City Managers among the four agencies would be directed at the pleasure of Council to meet to discuss various comments and issues that arise during this month with each of the four City Councils and to come back with some more concrete analysis of what the proposed next steps would be.

Councilmember Medina said once the staff gets all the information, he wasn't sure if there should not be a study session. He said there are a lot of questions. **Mayor Franzella** said everyone needed to be going in the same direction.

f. Receive Report and Provide Direction on Bayshore Circle Improvements.

City Manager Jackson introduced the subject and **Community Development Director Aknin** gave an overview of the staff report.

Mayor Franzella said at the July meeting, we did not know who owned the property. Now we know BART owns the property, we should contact them and get the property cleaned up. If BART doesn't have the staff to maintain the property, then we could have them work with our Park and Recreation Department to see if there can't be some type of contracted service to maintain it.

Councilmember Medina said now we know BART is the property owner, he said the condition of the property is not ok, and BART should be embarrassed and clean it up.

Dennis Smitten, Bayshore Circle, said if they cleaned it up, it would look much better.

Mayor Franzella said BART acquired this property in an exchange with Southern Pacific and they might not know what the configuration is.

Scott Buschman, Claremont Dr. asked the staff report be corrected to show Bayshore Circle, N as a one-way street and Bayshore Circle, S as a two-way street. He said the goal is to improve the area, not impact it more. He said the streets are too narrow for driving and the sidewalks are too narrow to walk. He suggested the City acquire the property through eminent domain, reduce the size of the parcel and bring it up to code. **Mayor Franzella** clarified the City does not have eminent domain over another agency. **Buschman** also suggested Huntington Ave. E. be open to traffic. **Mayor Franzella** said nothing could be done until BART is contacted.

Councilmember Ibarra said we need to hear from more residents in the area with their ideas.

Steve Blair, Bayshore Circle, said he maintains his property but the majority of the trees in the area are dead. He also said the streets are narrow and a fire truck cannot get in and out.

Rebecca Ponce, Bayshore Circle, said the grass across the street from her house grew so high you could not see across. **Mayor Franzella** thanked her and told her something would be done now we know who owns the property.

Council took a five-minute break.

g. Adopt Resolution Authorizing the City Manager to Execute a Construction Contract with Rockaway Construction, Inc. for the Fire Station 52 Accessibility and Privacy Upgrades and Dormitory Remodel in the Amount of \$37,000 and Approving a Construction Budget in the Amount of \$43,000.

City Manager Jackson introduced the new Public Works Service Director, Klara Fabry. **Public Works Service Director Fabry** introduced **Management Analyst Shannon** who gave an overview of the staff report and asked for questions.

Councilmember Ibarra asked if privacy meant building walls? **Shannon** said they are partitioned walls, floor-to-ceiling, sound insulated.

Councilmember Medina thanked staff and introduced the resolution for adoption and passed with a unanimous vote.

h. Adopt Resolution Authorizing the Purchase of a Portable Pump and Trailer from Pump Service Repair Co. in the Amount of \$47,247, and a Hose and Hose Trailer from Allied Packing & Supply Co. in the Amount of \$48,058; and Authorizing Transfer of \$24,305 from the Wastewater Pipeline Repair Program to the Emergency Sewer Line Bypass System.

Stormwater/Wastewater Field Supervisor Bosch gave an overview of the staff report and asked for questions.

Councilmember Ruane introduced the resolution for adoption and passed with a unanimous vote.

i. Receive Report and Provide Policy Direction Regarding Treatment of Illegal Driveway Ramps at Rolled Curbs, as Part of the City Street Rehabilitation Program.

Public Works Service Director, Fabry gave an overview of the staff report and asked for questions.

Councilmember Ruane asked if the removal of the roll of the ramp would do any damage to the existing rolled ramp? **Fabry** said it is staff's assumption no damage will be done.

Councilmember Medina didn't feel the people who installed these ramps intent were to be malicious or harmful. He asked if anything could be done to help those who might not be able to pay? **Mayor Franzella** said he didn't think we should proceed with a project without correcting the situation. He said he believed we were taking the correct approach in requiring them to be removed and maybe staff can work with coming up with a program to assist anyone who is on a low income. No one is being forced to put a new driveway in.

Vice Mayor O'Connell suggested some kind of payment plan to reduce the burden.

Councilmember Ibarra agreed with staff's recommendation to remove all of the ramps. He also wanted to make it clear these owners do not have to do anything to improve the driveway. It would be their choice to do that and the cost estimate is up to \$2500. **Fabry** said it is her department's intent to work with the homeowners.

Councilmember Ibarra asked if the fifty-eight homeowners were contacted? **Fabry** said everyone was given a letter. She said an open house was conducted this afternoon and two residents showed up.

10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: None.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: (Moved to follow 8.)

Receive Annual Report from the Traffic, Safety & Parking Committee.

12. COMMENTS FROM COUNCIL MEMBERS:

Receive Oral Report from Vice Mayor O'Connell on Attendance at the League of California Cities Annual Conference.

Vice Mayor O'Connell said it was a very informative Conference and she attended all eight workshops and heard three keynote speakers and brought back information, which she passed on to the City Manager and staff.

Vice Mayor O'Connell announced the Friends of the Library are having a book sale this Saturday from 10 to 4 in the Patio area between the Library and City Hall. All items are \$1.00 or less.

Councilmember Medina, regarding bid processes, asked if the limits set on our bids could be over restrictive and causing delays of some of our projects. **Mayor Franzella** asked staff to look into this.

13. CLOSED SESSION:

The Human Resources Director as the City's Negotiator Requests a Closed Session Pursuant to Cal. Gov't Code Section 4957.6 Regarding Direction for Labor Negotiations for the Miscellaneous and Mid-Management Bargaining Units.

14. ADJOURNMENT:

Mayor Franzella closed the meeting at 9:47 p.m. The next regular City Council Meeting will be held on October 28, 2008 at 7:00 pm, at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the regular City Council Meeting of
November 17, 2008

Carol Bonner, City Clerk

Larry Franzella, Mayor